

9-11-91  
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IN CONSTRUCTION CO., INC.

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SEP 14 1991

HYDRAULIC PROJECT

APPROVAL

R.C.W. 75.20.100

R.C.W. 75.20.103

September 11, 1991

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DEPARTMENT OF FISHERIES  
AGONY SEATTLE  
General Administration Bldg.  
Olympia, Washington 98504  
(206) 753-6650

DEPARTMENT OF FISHERIES RBB SS (applicant should refer to this date in all correspondence)

LK ED PS KC

PAGE 1 OF 2 PAGES

10 LAST NAME FIRST Ash Grove Cement West, Inc.		18 CONTACT PHONE(S) 623-5596		1 CONTROL NUMBER 00-48130-03	
19 STREET OR RURAL ROUTE c/o American Const. Co. 411 - 13th St.		7 8 9 WRIA 09.0001			
CITY Everett		STATE WA		ZIP 98201	
12 WATER Duwamish River		TRIBUTARY TO Elliott Bay		11 TYPE OF PROJECT Pier, Mooring	
13 QUARTER SECTION SECTION 18		TOWNSHIP 24N		RANGE(E-W) 04E	
		COUNTY King		Dolphins & Fender Piles	
TIME LIMITATIONS:		5 THIS PROJECT MAY BEGIN Immediately		6 AND MUST BE COMPLETED BY April 1, 1992	

THIS APPROVAL IS TO BE AVAILABLE ON THE JOB SITE AT ALL TIMES AND ITS PROVISIONS FOLLOWED BY THE PERMITTEE AND OPERATOR PERFORMING THE WORK.

SEE IMPORTANT GENERAL PROVISIONS ON REVERSE SIDE OF APPROVAL

NOTE: This Hydraulic Project Approval (HPA) is a change of the original HPA issued April 3, 1991, in response to a written request by Steven Brannon received on September 9, 1991, and it supersedes all previous HPAs and modifications for this project.

This revised HPA is hereby amended to include approval of the new fender pile system as illustrated in the revised plans recieved on September 9, 1991.

1. The open bar grating shall extend 26 lineal feet perpendicular to shore for the entire width of the dock and shall be centered over the 0.0 tidal elevation (Mean Lower Low Water) as illustrated in your application.
2. At no time shall materials be stored on the open bar grating that will preclude light penetration to the intertidal area beneath the pier.
3. All piling, lumber, or other materials treated with preservatives shall be completely dry before use in or near the water.
4. If at any time there should be fish in distress, a fish kill, or water quality problems as a result of this project, the pile-driving (or removal) operations will be shut down immediately.
5. All work operations shall be conducted in such a manner as to cause little or no siltation to the adjacent areas of the beach.

USEPA SF



1261727

SEPA: DNS by City of Seattle - October 6, 1989  
REGIONAL HABITAT MANAGER - Randy Carman (206) 753-2908  
PATROL - Nelson  
APPLICANT - WILDLIFE - READER - PATROL - HAB. MGR. - WRIA

902 2573

DEPARTMENT OF FISHERIES

R. J. Timothy Flint

for

DIRECTOR

AGC2C000740

AMERICAN CONSTRUCTION CO., Inc.



4 1991

RBB SPB SS  
DEPARTMENT OF FISHERIES  
ED PS KC

HYDRAULIC PROJECT  
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PAGE 2 OF 2 PAGES

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DEPARTMENT OF FISHERIES  
General Administration Bldg.  
Olympia, Washington 98504  
(206) 753-6650

10 LAST NAME Ash Grove Cement West, Inc.	18 CONTACT PHONE(S) 623-5596	1 CONTROL NUMBER 00-48130-03
12 WATER Duwamish River		9 WRIA 09.0001

6. No deleterious materials shall be allowed to enter state waters as a result of this project.
7. Any debris resulting from this construction project shall be removed from the water and disposed of or placed in such a manner as to prevent its being washed back into the water by high water or wave action.
8. Water quality is not to be degraded to the detriment of fish life as a result of this project.

If you have any questions or need additional information, please contact Randy Carman, Regional Habitat Manager, at (206) 753-2908.

LOCATION: Ash Grove Cement West facility at 3801 East Marginal Way South, Seattle (on the Duwamish River near the Spokane Street Bridge)

nb

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THE PERSON(S) TO WHOM THIS APPROVAL IS ISSUED MAY BE HELD LIABLE FOR ANY LOSS OR DAMAGE TO FISHLIFE OR FISH HABITAT WHICH RESULTS FROM FAILURE TO COMPLY WITH THE PROVISIONS OF THIS APPROVAL.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS APPROVAL COULD RESULT IN A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS PER DAY OR A GROSS MISDEMEANOR CHARGE, POSSIBLY PUNISHABLE BY FINE OR IMPRISONMENT.

ALL HYDRAULIC PROJECT APPROVALS ISSUED PURSUANT TO RCW 75.20.100 ARE SUBJECT TO ADDITIONAL RESTRICTIONS, CONDITIONS, OR REVOCATION IF THE DEPARTMENT OF FISHERIES OR DEPARTMENT OF WILDLIFE DETERMINE THAT NEW BIOLOGICAL OR PHYSICAL INFORMATION INDICATES THE NEED FOR SUCH ACTION. THE PERMITTEE HAS THE RIGHT PURSUANT TO CHAPTER 34.04 RCW TO APPEAL SUCH DECISIONS. ALL HYDRAULIC PROJECT APPROVALS ISSUED PURSUANT TO RCW 75.20.103 MAY BE MODIFIED BY THE DEPARTMENT OF FISHERIES OR DEPARTMENT OF WILDLIFE DUE TO CHANGED CONDITIONS AFTER CONSULTATION WITH THE PERMITTEE: PROVIDED HOWEVER, THAT SUCH MODIFICATIONS SHALL BE SUBJECT TO APPEAL TO THE HYDRAULIC APPEALS BOARD ESTABLISHED IN RCW 75.20.130.

THIS APPROVAL PERTAINS ONLY TO THE PROVISIONS OF THE FISHERIES AND WILDLIFE CODES. ADDITIONAL AUTHORIZATION FROM OTHER PUBLIC AGENCIES MAY BE NECESSARY FOR THIS PROJECT.

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#### APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL DENIAL OR CONDITIONS OF AN HPA, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

##### A. INFORMAL APPEALS:

AN INFORMAL APPEAL (WAC 220-110-340) CONSISTS OF CONTACTING THE REGIONAL HABITAT MANAGER AND DISCUSSING YOUR CONCERNS. MOST PROBLEMS ARE RESOLVED AT THIS LEVEL, BUT IF NOT, YOU MAY ELLEVATE YOUR CONCERNS TO THE CHIEF OF THE HABITAT MANAGEMENT DIVISION IN OLYMPIA. THE HABITAT MANAGEMENT DIVISION CHIEF'S DECISION SHALL BE APPROVED OR DISAPPROVED BY THE DIRECTOR OR DESIGNEE. IF YOU ARE NOT SATISFIED WITH THE RESULTS OF THIS INFORMAL APPEAL, A FORMAL APPEAL MAY BE FILED.

##### B. FORMAL APPEALS:

- 1) FOR ALL CIVIL PENALTY APPEALS AND FOR OTHER HPA APPEALS WHICH ARE NOT ASSOCIATED WITH IRRIGATION OR STOCK-WATERING DIVERSIONS, A WRITTEN APPEAL REQUEST MUST BE FILED WITH THE DEPARTMENT THAT ISSUED OR DENIED THE APPROVAL OR LEVIED THE CIVIL PENALTY YOU ARE APPEALING (WAC 220-110-350).
- 2) FOR APPEALS OF DENIAL OR CONDITIONS OF AN HPA ASSOCIATED WITH IRRIGATION OR STOCK-WATERING DIVERSIONS OTHER THAN CIVIL PENALTY APPEALS, A WRITTEN APPEAL REQUEST MUST BE FILED WITH THE HYDRAULIC APPEALS BOARD PER WAC 259-04. THE MAILING ADDRESS OF THE APPEALS BOARD IS: ENVIRONMENTAL HEARINGS OFFICE, BUILDING TWO - ROWE SIX, LACEY, WASHINGTON 98504; TELEPHONE 206/459-6327.
- 3) FAILURE TO APPEAL WITHIN 30 DAYS OF THE DATE OF ACTION YOU ARE APPEALING RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS.